Single Bench

P.R. No. 4409/06
Presented by Shri B L Sahu
dated 11/9/06

CF 1002

(2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION (S) 4371 /2006 SB

PETITIONER **ANAND KUMAR MISHRA**
S/o Shri Loknath Mishra By. Post-
Assistant Teacher Aged About 49 Yrs
R/o Post and Village Janakpur
Tahsil Bharatpur, District Korea (C.G.)

VERSUS

RESPONDENT

1. **State of Chhattisgarh**
Through the Secretary,
Department of Tribal Welfare
D.K.S. Bhavan,
Mantralya Raipur.(C.G.)

2. **The Collector**
Korea (C.G.)

3. **Assistant Commissioner**
Baikunthpur, Korea(C.G.)

4. **Commissioner**(Tribal Welfare)
University Campus, Raipur
Distt. Raipur {C.G.}

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI MANDAMUS ETC AND FOR APPROPRIATE ORDER/ ORDETS, DIRECTION/ DIRECTIONS.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P...4371/सन् 2006 (48)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18-8-2006

Mr. Avinash K. Mishra, counsel for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for the State/ respondents, on advance copy.

Heard both the counsel.

By the instant writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged his transfer order Annexure-P/1 dated 14-7-2006 passed by respondent No.3 whereby under the Rationalization Scheme declaring the petitioner as surplus, he has been transferred from Middle School, Bharatpur, Block: Bharatpur to Primary School, Pandri, Block: Bharatpur.

The impugned order has been passed under the Rationalization Scheme, 2006 and clause 7 of the Scheme provides for an appeal if any teacher is aggrieved by the order passed by the competent authority. Therefore, equally efficacious remedy is available to the petitioner. In the first instance, the petitioner ought to have availed of that remedy.

In the circumstances, learned counsel for the petitioner submitted that the petitioner wants to file an appeal before the appropriate authority under the Scheme and the appropriate authority be directed to decide the same.

However, since time under Clause 7 for filing an appeal is 7 days and the petitioner has approached this Court by filing this writ petition, as such, time taken by the petitioner from the date of filing of this writ petition till its disposal shall be condoned by the appropriate authority. In the mean time,

P.T.O.

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.4371/ **सन् 2006**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	respondent No.4 may consider the representation Annexure P-4 filed by the petitioner and decide the same. The writ petition is accordingly, dismissed, at the admission stage itself. Consequently, M.(W.)P.No.3389/2006 stands disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	

P.T.O.

23.8.06